

provisions of this act, as fixed or as may be fixed by the Railroad Commission of Texas and to regulate the reports of the operation of such property."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

M'KAMY, Chairman.

TOWNS AND CITY CORPORATIONS.

Committee Room,

Austin, Texas, March 9, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

House bill No. 95, a bill to be entitled "An Act to authorize the city of Bryan to dispose of certain public grounds within said city,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BEATY,
STAFFORD,
HICKS,
McKAMY,
DECKER,
GRIGGS.

Committee Room,

Austin, Texas, March 7, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

House bill No. 503, a bill to be entitled "An Act to grant a new charter to the city of Houston, Harris county, Texas, repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

BEATY,
HOLLAND,
PAULUS,
McKAMY,
HICKS,
STAFFORD,
GRIGGS.

MINING AND IRRIGATION.

Committee Room,

Austin, Texas, March 9, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Mining and Irrigation, to whom was referred

Senate bill No. 189, a bill to be entitled "An Act to amend Articles 3498f, 3498g and 3498i, and to repeal Article

3498m, Revised Civil Statutes, relating to the sale of mineral land,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BEATY,
DAVIDSON,
DECKER,
HOLLAND,
HICKS,
WILLACY,
HALE,
HILL.

Committee Room,

Austin, Texas, March 9, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 195, being "An Act to amend Section 13, Chapter 35, Acts of the regular session of the Twenty-fifth Legislature, being House bill No. 83, creating a more efficient road system for Rains county, as printed in Session Acts, pages 32 to 37, by increasing the per diem pay of the County Road Commissioner and increasing the maximum pay to \$400 per annum, and declaring an emergency,"

And find the same correctly enrolled, and have, this day at 3:10 o'clock, presented the same to the Governor for his approval.

TERRELL, Chairman.

Committee Room,

Austin, Texas, March 9, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 251, being "An Act to amend Section 64 of an act of the Twenty-seventh Legislature of the State of Texas entitled 'An Act to incorporate the city of Austin, to grant it a new charter and to fix its boundaries,' approved April 13, 1901, and being Chapter 8 of the Special Laws of the regular session of the Twenty-seventh Legislature of the State of Texas,"

And find the same correctly enrolled, and have, this day at 3:10 o'clock p. m., presented the same to the Governor for his approval.

TERRELL, Chairman.

THIRTY-NINTH DAY.

Senate Chamber.

Austin, Texas.

Friday, March 10, 1905.

Senate met pursuant to adjournment, Lieutenant Governor Geo. D. Neal presiding.

Roll call. Quorum present, the following Senators answering to their names:

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Stafford.
Grinnan.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.

Absent.

Hanger.

Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Skinner the same was dispensed with.

EXCUSED.

On motion of Senator Glasscock, Senator Faulk was excused from attendance upon the Senate for today, on account of business.

On motion of Senator Chambers, Senator Harbison was excused from attendance upon the Senate for today, on account of business.

On motion of Senator Barrett, Senator Hale was excused from attendance upon the Senate for today, on account of business.

On motion of Senator Looney, Senator Smith was excused from attendance upon the Senate for today, on account of business.

PETITIONS AND MEMORIALS.

By Senator Beaty:

Beaumont, Texas, February 22, 1905.
To the Hon. J. T. Beaty and W. A. Myrick, Austin, Texas.

Gentlemen: We, the undersigned citizens of Beaumont, respectfully represent that there is an urgent demand for additional wards in the State Insane Asylum for the accommodation of insane colored people. There are now confined in the county jail of Jefferson county two insane colored people, one of whom has been confined

there nearly one year, and a third one, that was recently released from the jail, a few days ago set fire to her house and was burned to death. We respectfully urge you to use your influence in having the proper appropriation made in order that additional accommodation may be furnished in such cases.

Numerously signed.

By Senator Beaty:

Beaumont, Texas, February 22, 1905.

To the Honorable J. T. Beaty and W. A. Myrick, Austin, Texas.

Gentlemen: We, the undersigned citizens of Beaumont, respectfully represent that there is an urgent demand for additional wards in the State Insane Asylum for the accommodation of insane colored people. There are now confined in the county jail of Jefferson county two insane colored people, one of whom has been confined there nearly one year, and a third one, that was recently released from the jail, a few days ago set fire to her house and was burned to death. We respectfully urge you to use your influence in having the proper appropriation made in order that additional accommodation may be furnished in such cases.

Numerously signed.

By Senator Hill:

To the Twenty-ninth Legislature of Texas:

We, the undersigned resident citizens of Winkler county, Texas, and non-resident taxpayers therein, having been informed through various sources that an effort will be made on the part of Ward county and those representing her interest to have the unorganized county of Winkler attached to it by legislative enactment, for judicial and other purposes, or, in lieu, to have such county abolished and its territory incorporated into that of said Ward county, do hereby earnestly protest against any legislation whatever whereby such changes will be effected. We very much prefer to remain attached to Reeves county for all purposes.

Witness our hands this 12th day of January, A. D. 1905.

Mrs. M. J. Hill, A. H. Birchfield, H. Mitchell, W. A. Priest, G. F. Cowden, Jr., J. T. Cowden, E. W. Cowden, J. R. Dublin, Dell Dublin, Johnson Bros.

The State of Texas, County of Reeves.
I, T. H. Beauchamp, Clerk County Court in and for Reeves county, Texas, do hereby certify that the above and foregoing to which this is attached is a true and correct copy of the original from which it was made, having ascertained the same to be a true copy by carefully comparing said copy with said original.

Witness my hand and seal of office,
this 12th day of January, A. D. 1904.
(Seal)

T. H. BEAUCHAMP,

Clerk Reeves County, Texas.

Senator Hill offered a like petition from Loving county, which was numerously signed.

By Senator Stone:

Marlin, Texas, Feb. 22, 1905.

Senator Stone.

Dear Sir: We, the citizens of Marlin, Texas, most earnestly petition an appeal to your honorable body, to enact a law which shall give the people relief from the vicious features of the "cold storage" and "clubs" now operated in prohibition districts in this State. Respectfully,

W. C. T. U.

Composed of sixty ladies and twenty gentlemen.

By Senator Martin:

Temple, Texas, March 8, 1905.

To the President and Members of the Senate of Texas, Austin, Texas:

During the session of the Georgetown District conference, a representative body of Methodists from the counties of Williamson, Bell and parts of Milam and McLellan, held at Moody, Texas, March 4, 5 and 6, and presided over by Bishop E. E. Hoss for the M. E. Church South, the following memorial was unanimously adopted:

"In view of the urgent necessity of greater protection against the abuses so flagrant in local option territory, we ask that the Georgetown District conference memorialize the Senate and House of Representatives of the State of Texas, to pass House bill No. 460, designed to give relief from C. O. D. shipments and the soliciting of orders in local option districts; also House bill No. 93, regulating liquor cold storages; and also a general law prohibiting the drinking of intoxicating liquors in public places, other than licensed saloons, so as to protect railroad trains, depots, etc., frequented by women and children, from drinking rowdies.

"We submit the experience in local option counties has demonstrated most conclusively the imperative necessity for the enactment of these laws to prevent flagrant defiance of the will of the people where, by vote, they have decreed that the public dram shop in their midst shall be closed.

"We also ask that a joint resolution for a constitutional amendment that will extend the scope of local option so as to include, not only the sale, but also the gift, exchange and introduction of liquors in local option districts, shall be submitted to the people.

"And we furthermore request that a copy of this memorial be forwarded

at once by the secretary of the Georgetown district conference to the Senate and House of Representatives."

In compliance with the above I beg to submit the memorial as adopted.

A. W. HALL,

Secretary of Georgetown District Conf.

The Chair had read a letter of thanks from Mac Stewart, who is in prison at Chihuahua, Mexico.

(See Appendix for all committee reports.)

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.

Austin, Texas, March 10, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 509, a bill to be entitled "An Act to incorporate the city of Cleburne, in Johnson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs," with engrossed rider.

House bill No. 479, a bill to be entitled "An Act to prohibit the granting or use for railway purposes of any part of the tract of land in the city and county of Galveston, Texas, acquired by that county or the commissioners court thereof for seawall purposes;" also

House bill No. 444, a bill to be entitled "An Act to amend Section 91 of an act entitled 'An Act to incorporate the city of Sherman in Grayson county, Texas, and to fix the boundaries thereof and to provide for its government and the management of its affairs,' passed by the Twenty-fourth Legislature, as amended by an act of the Twenty-seventh Legislature, entitled 'An Act to amend Sections 91, 93 and 176 of an act entitled 'An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof and to provide for its government and management of its affairs,' passed by the Twenty-fourth Legislature, and to repeal all laws or parts of laws in conflict therewith, and declaring an emergency,' so as to confer upon said city the power to pay off the judgment of W. C. Conner et al. against it."

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair had read and referred,

after their captions had been read, the following bills:

House bill No. 509, to City and Town Corporations.

House bill No. 479, to Judiciary Committee No. 1.

House bill No. 444, to City and Town Corporations.

(See above House message for captions.)

BILLS AND RESOLUTIONS.

(Simple Resolutions.)

By Senator Decker:

Whereas, A prominent citizen of Texas has made a statement in the Austin Daily Statesman concerning the oil and pipe line companies chartered under the laws of Texas, in which he says:

"Every company of any consequence now engaged in the development of the Texas fields is operating in the several branches of the oil business; that is to say, they produce, buy, sell, transport and refine oil, and have invested heavily in these several departments of the business."

And whereas, It is the settled policy of this State to limit purposes for which corporations may be organized to such only as will not tend to create or promote monopolies and combinations; therefore be it

Resolved, That the Attorney General is respectfully requested, if not inconsistent with his other duties, to inform the Senate:

First—What, if any, corporations have been chartered with privileges to produce, buy, sell, transport and refine oil, or what, if any, corporations in addition to buying and transporting oil have chartered rights to either produce or refine oil.

Second—What, if any, statute authorizes a corporation chartered for the purpose of transmitting oil to also produce or refine oil. And in the event that it be found that no corporation has the authority under its charter rights to engage in the several lines of business before named; then, be it further

Resolved, That the Attorney General is respectfully requested to take such action as he may deem proper in order to prevent such corporation from exercising the illegal powers named in said interview.

DECKER,
HARPER,
DAVIDSON.

The resolution was read and, on motion of Senator Decker, adopted.

Senator Meachum had read and

adopted by a rising vote a resolution relative to the death of the late Hon. Thomas J. Goree of Galveston. (See memorial page of today's Journal.)

(Bills.)

By Senator Paulus:

Senate bill No. 276, a bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the city of Hallettsville, in the county of Lavaca, and State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the 'Hallettsville Independent School District,' with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only."

Read first time, and referred to the Committee on Education.

By Senator Hicks:

Senate bill No. 277, a bill to be entitled "An Act to amend Section 17 of an act incorporating the trustees of the independent school district of the city of San Antonio, Texas, passed at the regular session of the Twenty-eighth Legislature of the State of Texas, Chapter 128 of the General Laws."

Read first time, and referred to the Committee on Education.

By Senators Holland, Stokes and Skinner (by request):

Senate bill No. 278, a bill to be entitled "An Act to create and regulate the profession of public accountants, authorizing the Governor to appoint a board of examiners, prescribing the subjects on which the examination shall be based and grade necessary for a certificate, providing a penalty for a false report by a certified accountant, and repealing all laws in conflict herewith."

Read first time, and referred to Committee on State Affairs.

By Senators Paulus and Looney:

Senate bill No. 279, a bill to be entitled "An Act to require railroad companies to construct sidings or spur tracks to private industries, located adjacent to the right of way of their lines of railway, in accordance with regulations to be prescribed by the Railroad Commission of Texas."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Grinnan (by request):

Senate bill No. 280, a bill to be entitled "An Act validating the diploma of the Texas Industrial Institute and College for the Education of White Girls of the State of Texas in the Arts

and Sciences' as a teachers' first grade certificate, and authorizing the State Superintendent of Public Instruction to endorse such diploma, thereby validating it as a permanent State certificate."

Read first time, and referred to Committee on Education.

Morning call concluded.

HOUSE CONCURRENT RESOLUTION NO. 11—ADOPTION OF.

The Chair laid before the Senate, House concurrent resolution No. 11, by Holsey, Sanders, Greenwood, Graham and Sharpe:

House concurrent resolution No. 11, requesting the pardon of Mac Stewart, now confined in prison in the State of Chihuahua, in the Republic of Mexico.

Be it resolved by the House of Representatives, the Senate concurring, that

Whereas, Mac Stewart, a citizen of the United States and of the State of Texas, is now and has been for nearly ten years incarcerated in jail in the city of Chihuahua, Mexico, charged with the killing of a police officer in that country, and

Whereas, Mac Stewart was a true and honorable Confederate soldier, and a loyal and law abiding citizen, who enjoyed the confidence and respect of his countrymen, and

Whereas, Said Mac Stewart claims, and has from the day of his arrest claimed, that he acted in self defense, and upon an impulse or a principle taught him from early childhood by the laws of the United States, that are founded upon the laws of nature, to believe that self preservation or self defense is right, and

Whereas, The said Mac Stewart was sentenced to be shot, and

Whereas, The Congress of the State of Chihuahua, upon recommendation of President Diaz of Mexico, commuted the death sentence of the said Mac Stewart to twenty years imprisonment in the Chihuahua jail, and

Whereas, It is provided by the laws of that country, Article 187 of their penal code, that the Governor of Chihuahua is authorized and empowered to pardon and deport from Chihuahua prisoners after they have served one-half of the time of their imprisonment, and

Whereas, The said Mac Stewart will have served one-half of the time of his imprisonment, (10) ten years, on the 31st day of May, 1905, A. D., therefore be it

Resolved, That through this resolution and in behalf of the people of

Texas, and the gray-haired Confederate soldiers of the south, we appeal to the authorities of Mexico to pardon and liberate Mac Stewart, thus bringing joy and gladness to the hearts of thousands of his comrades, by giving to him that which is dear to every citizen of the United States and Mexico, liberty.

Be it further resolved, That the Secretary of State be directed to send a copy of this resolution, with an imprint of the seal of the State of Texas thereon, to the President of Mexico, the Governor and the presiding officers of the Congress of the State of Chihuahua, and that a committee of two members from the House and one member from the Senate of the State of Texas be appointed by the Speaker of the House and by the President of the Senate, respectively, to present in person on or about the 25th day of May next, a copy of this resolution to E. C. Creel, Governor of Chihuahua, and urge upon him to pardon and deport the said Mac Stewart.

Be it further resolved, That a copy of this resolution bearing the seal of the State of Texas thereon, be forwarded by the Secretary of State of Texas to General Powell Clayton, United States Ambassador to Mexico, and request of him that he exercise his official influence in securing a pardon for the said Mac Stewart.

The resolution was read and adopted.

In accordance with the above resolution the Chair appointed Senator Hicks on the part of the Senate on the committee.

SENATE BILL NO. 150—PASSAGE OF.

The Chair laid before the Senate on second reading, Senate bill No. 150, as pending business.

The question being on the amendment to the amendment by Senator Hicks, on yesterday, and

Senator Glasscock withdrew his amendment to the amendment, and Senator Hicks withdrew his amendment.

Senator Hicks offered an amendment (but as same was later declared out of order the amendment is not here given, but is reoffered later).

Senator Davidson made a point of order that the previous question was ordered on the amendment and the bill, which had been seconded, though had not been voted on.

The Chair sustained the point of order.

Senator Hicks asked to, with the

consent of the seconds, withdraw the motion by which he moved the previous question.

Senator Chambers objected, and the question then being on the previous question, the same was not ordered.

On motion of Senator Hicks, the amendment to the amendment was tabled, and

On motion of Senator Meachum, the amendment by Senator Hicks was tabled.

Senator Hicks offered the following amendment:

Amend by striking out all after the enacting clause, and insert the following:

"That Section 7, Chapter 42, of the Acts of the Twenty-eighth Legislature, entitled 'An Act to provide for and regulate the granting of license to practice as attorney and counselor at law in all the courts of the State of Texas, and to repeal all laws and parts of laws in conflict therewith,' be amended so as to hereafter read as follows:

"Sec. 7. Any person holding a diploma from the law department of the University of Texas shall be entitled to a license to practice as an attorney and counselor at law in all the courts of this State without any further examination, upon presentation to the clerk of the Supreme Court of the State such diploma within twelve months from the issuance of the same, together with a certificate from the commissioners court of the county in which such person resides, showing that such person bears a good reputation for moral character and honorable deportment, that he has resided in such county for at least six months, is at least 21 years of age, and such other and further facts as may be required by the Supreme Court of this State; and the clerk of the Supreme Court of Texas is hereby authorized and empowered to issue said license upon payment of the fee of \$10 as required by law; provided, that nothing herein shall be construed to exempt the applicant for license from taking the oath required by law; and provided further, that any diploma issued by said University on a grade less than that prescribed by the Supreme Court for examination of applicants shall not entitle the holder thereof to such license."

Senator Davidson made a point of order that this amendment was not germane, on account of constitutional provisions, inasmuch as similar amendments had been voted on and lost, and that further legislation at this session is barred by the Constitution.

Pending discussion of the point

of order, Senator Davidson withdrew the point of order as to the whole bill and offered the following, relating to a single provision of the amendment, and then raised the point on that part:

Amend by striking out all language in substance from and after the word "together," in line 8 of the amendment, for the reason that same have been voted down by the Senate at its present session.

The Chair ruled the amendment to the amendment out of order, and also overruled the point of order raised by Senator Davidson.

Senator Davidson then raised the point of order on the two amendments that were voted down this morning, which the chair overruled.

Question then being on the amendment by Senator Hicks,

Senator Terrell offered the following amendment to the amendment:

Amend the amendment of Senator Hicks by adding between the words "State" and "and," and insert the following: "And with the certificate above provided for all papers upon which he stood the examination at which he was granted the diploma, and such certificate and examination papers shall be passed upon by the board now provided by law to pass upon applicants for license to practice law, under rules prescribed by the Supreme Court of this State, and if such examination papers are found by such board to make the grade now required by law of other applicants, said board shall so certify to the clerk of the Supreme Court of this State."

Senator Hicks moved the previous question on the amendments and the bill, which was duly seconded, and on that motion Senator Chambers moved a call of the Senate, which being duly seconded, the roll was called, the following Senators answering to their names:

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Stafford.
Grinnan.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.
	Absent.
Hanger.	Absent—Excused.
Faulk.	Harbison.
Hale.	Smith.

ABSENT—NOT EXCUSED.

Senator Hanger.

ABSENTEES EXCUSED.

Senator Hicks moved to excuse the absentees, which motion was adopted by the following vote:

Yeas—18.

Barrett.	Holland.
Decker.	Looney.
Faust.	McKamy.
Griggs.	Meachum.
Grinnan.	Paulus.
Harper.	Skinner.
Hawkins.	Stafford.
Hicks.	Stokes.
Hill.	Stone.

Nays—8.

Beaty.	Glasscock.
Brachfield.	Martin.
Chambers.	Terrell.
Davidson.	Willacy.

Absent.

Hanger.

Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

PENDING BUSINESS—SENATE
BILL NO. 150.

Senator Hicks moved to table the amendment by Senator Terrell, and the same was adopted by the following vote:

Yeas—16.

Barrett.	Looney.
Faust.	McKamy.
Grinnan.	Meachum.
Harper.	Paulus.
Hawkins.	Skinner.
Hicks.	Stafford.
Hill.	Stokes.
Holland.	Stone.

Nays—10.

Beaty.	Glasscock.
Brachfield.	Griggs.
Chambers.	Martin.
Davidson.	Terrell.
Decker.	Willacy.

Absent.

Hanger.

Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

The amendment was then adopted. Question then being on the engrossment of the bill, and on that motion Senator Davidson moved a call of the Senate, which was duly seconded, the roll was called, the following answering to their names:

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Stafford.
Grinnan.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.

Absent.

Hanger.

Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

ABSENT—NOT EXCUSED.

Senator Hanger.

Senator Hicks raised the point of order that Senator Hanger was excused under a previous roll call.

The Chair sustained the point of order.

The bill was read second time, and ordered engrossed by the following vote:

Yeas—18.

Barrett.	Holland.
Decker.	Looney.
Faust.	McKamy.
Griggs.	Meachum.
Grinnan.	Paulus.
Harper.	Skinner.
Hawkins.	Stafford.
Hicks.	Stokes.
Hill.	Stone.

Nays—8.

Beaty.	Glasscock.
Brachfield.	Martin.
Chambers.	Terrell.
Davidson.	Willacy.

Absent.

Hanger.

Absent—Excused.

Faulk. Harbison.
Hale. Smith.

Senator Hicks moved to reconsider the vote by which the bill was ordered engrossed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 142—PAS-
SAGE OF.

On motion of Senator Beaty, the pending order of business (Senate bill No. 67) was suspended, and the Senate took up, out of its order, Senate bill No. 142.

The Chair laid before the Senate, on second reading,

Senate bill No. 142, a bill to be entitled "An Act to authorize the Gulf, Colorado and Santa Fe Railway Company to purchase the railroads and all other property of the Jasper and Eastern Railway Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway Company as a part of its own lines, with the right to extend the said road, and to construct branches therefrom by amendment to its charter under the General Laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said property, to sell the same to the Gulf, Colorado and Santa Fe Railway Company, and until such purchase is made to authorize the lease by the Gulf, Colorado and Santa Fe Railway Company of the railroad and other properties of said other company."

Question being on the committee report, which was a favorable majority report and a favorable minority report with amendments.

Senator Beaty moved to adopt the majority report, which was adopted.

Senator Beaty offered the following amendment, which was adopted:

Amend by striking out Section 3 and adding in lieu thereof:

Sec. 3. No bonds that may be issued and no mortgage that may be made on any part of the line or lines in the State of Louisiana shall be a lien on any property in this State, and the Railroad Commission of this State shall not be required to approve any bonds that may be issued on any such line in the State of Louisiana, and Chapter 14, Title CIV, of the Revised Civil Statutes of this State shall not apply thereto.

Senator Beaty offered the following amendment, which was adopted:

Amend by striking out the word "they," line 8, page 2, and by there inserting the words "so much thereof as are to be used to pay for the part of the property situated in this State."

Bill read second time and ordered engrossed.

On motion of Senator Beaty, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Barrett.	Holland.
Beaty.	Looney.
Chambers.	McKamy.
Davidson.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Stokes.
Grinnan.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.
Hill.	

Nays—3.

Brachfield.	Martin.
Harper.	

Absent.

Decker.	Stafford.
Hanger.	

Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

The bill was read third time, and passed by the following vote:

Yeas—18.

Barrett.	Hicks.
Beaty.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	McKamy.
Faust.	Meachum.
Griggs.	Stone.
Grinnan.	Terrell.
Hawkins.	Willacy.

Nays—4.

Brachfield.	Martin.
Harper.	Stokes.

Absent.

Glasscock.	Skinner.
Hanger.	Stafford.
Paulus.	

Absent—Excused.

Faulk.
Hale.Harbison.
Smith.

Senator Beaty moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BILLS SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign in the presence of the Senate after their captions had been read.

Senate bill No. 91, "An Act to amend Article 642 of the Revised Civil Statutes of the State of Texas, as amended by Chapter 130, Acts of the Twenty-fifth Legislature, Chapter 443, Acts of the Twenty-sixth Legislature, Chapter 43, Acts of the Twenty-seventh Legislature and Chapter 129, Acts of the Twenty-eighth Legislature, by adding thereto Subdivision 62, authorizing the formation of corporations for the growing, preparing for market, and selling of rice, and Subdivision 63, authorizing the formation of corporations for the purpose of growing and selling sugar cane, and making and refining sugar, molasses and all by-products of sugar cane, and declaring an emergency."

House bill No. 437, a bill to be entitled "An Act to create a more efficient road system for Colorado county."

(Senator Willacy in chair.)

HOUSE BILL NO. 62 ON THIRD READING.

On motion of Senator Hill, the pending order of business, House bill No. 67, was suspended, and the Senate took up, out of its order.

House bill No. 62, a bill to be entitled "An Act to prescribe a period of limitation within which any person claiming the right to purchase or lease public free school, State University or asylum lands heretofore sold or leased to others, shall bring his suit therefor."

The bill was read third time, and passed.

Senator Hill moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 223 ON THIRD READING.

On motion of Senator Skinner, the pending order of business, House bill

No. 67, was suspended, and the Senate took up, out of its order, Senate bill No. 223.

The Chair laid before the Senate on second reading.

Senate bill No. 223, a bill to be entitled "An Act establishing the Eighteenth and the Sixty-sixth Judicial Districts of the State of Texas, prescribing the times of holding the district courts therein, and providing for the appointment of a district judge for the Sixty-sixth Judicial District, and declaring an emergency."

Senator Skinner offered the following amendment:

Amend the bill by striking out Sections 3 and 4 and inserting in lieu thereof, the following:

Section 3. That the district courts in the counties composing the said Eighteenth Judicial District shall be holden as follows:

In the county of Johnson, on the first Monday in January, and may continue in session until and including Saturday before the third Monday in March.

On the first Monday in May and may continue in session until and including Saturday before the first Monday in July.

On the first Monday in October, and may continue in session until and including Saturday before the first Monday in December.

Section 4. In the county of Bosque, on the third Monday in March and may continue in session until and including Saturday before the first Monday in May.

On the first Monday in September and may continue in session until and including Saturday before the first Monday in October.

On the first Monday in December and may continue in session until and including Saturday before the first Monday in January.

The amendment was adopted by the following vote:

Yeas—24.

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.

Absent.

Chambers.	Stafford.
Hanger.	

Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

The bill was read third time and passed by the following vote:

Yeas—18.

Barrett.	Holland.
Beaty.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faust.	Skinner.
Glasscock.	Stokes.
Griggs.	Stone.
Hicks.	Terrell.
Hill.	Willacy.

Nays—7.

Brachfield.	Hawkins.
Chambers.	Martin.
Grinnan.	Paulus.
Harper.	

Absent.

Hanger.	Stafford.
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Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

Senator Skinner moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 137.

On motion of Senator Looney, the pending order of business (House bill No. 67) was suspended, and the Senate took, up, out of its order, Senate bill No. 137.

The Chair laid before the Senate, on second reading,

Senate bill No. 137, a bill to be entitled "An Act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies, and to legalize dissections and experiments by authorized persons."

Senator Looney offered the following amendment:

Amend the bill, line 2, page 2, by inserting after the words "public institutions," "other than the State Orphans' Home, the Confederate Home and Asylums for the Insane and other eleemosynary institutions."

The amendment was adopted.

27—Senate.

Senator Chambers offered an Amendment to strike out the enacting clause.

The amendment was lost by the following vote:

Yeas—6.

Brachfield.	Martin.
Chambers.	Stokes.
Davidson.	Terrell.

Nays—18.

Barrett.	Hill.
Beaty.	Holland.
Decker.	Looney.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Paulus.
Harper.	Skinner.
Hawkins.	Stone.
Hicks.	Willacy.

Absent.

Grinnan.	Stafford.
Hanger.	

Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

Senator Skinner offered the following amendment:

Amend by inserting after the word "burial" in line 22, page 2, the following: "Or object to its being delivered to any party or parties for dissection."

The amendment was adopted.

Senator Terrell offered the following amendment:

Amend the bill by striking out of line 1, page 2, the words "almshouse and hospital."

The amendment was adopted.

Senator Looney moved that further consideration of the bill be postponed till Tuesday morning and be made a special order for 11 o'clock.

The motion prevailed.

SIMPLE RESOLUTION.

By Senator Hicks:

Resolved, That the Secretary of Senate, together with the Calendar Clerk, prepare a list of all House bills pending before the Senate, showing in a brief statement the character of the bill, its number and whether it is before a committee or the Senate and if before a committee then show what committee and if before the Senate, then show whether upon second or third reading, and that a copy of said list be printed in the Journal.

The resolution was adopted.

(See Appendix A for report of.)

SENATE BILL NO. 218—SPECIAL ORDER.

The Chair laid before the Senate, on second reading.

Senate bill No. 218, a bill to be entitled "An Act to provide for a more efficient system of public free schools for the State of Texas; defining the school funds; providing for the investment of the permanent fund and the apportionment of the available fund; defining the duties of certain State officers in reference to the public free schools; creating the offices of State and county superintendents; providing for their election and salaries, and prescribing their qualifications and duties; prescribing the duties of other officers in reference to public schools and public school funds; making county judges ex-officio county superintendents in all counties not having county superintendents, and providing for their compensation; providing for reports of school officers and teachers; providing for the creation of school districts in all of the counties of this State; providing for the election of school trustees, and prescribing their qualifications and duties; providing for the creation of county line districts; providing for levying and collecting special taxes for the further maintenance of the public free schools and the erection of school houses; providing for the issuance of common school district bonds for building purposes, and providing a sinking fund therefor; providing for the creation of independent school districts at eleemosynary institutions and appointments of trustees therefor; providing for independent school districts in cities and towns and in towns and villages and in independent districts incorporated for school purposes only; providing for the issuance of bonds for school purposes by independent districts and creating a sinking fund therefor; providing for the levy of special taxes by independent districts; providing for the election of school trustees in independent districts, and prescribing their qualifications and duties, and naming and enumerating the officers of independent district school boards and the duties and powers thereof; providing for school houses and school supplies; fixing the scholastic age; providing for taking the scholastic census; authorizing trustees to administer oaths; providing penalties for refusing to answer questions regarding the age of children and other penalties regarding violations of the provisions of this Act; regulating the transfer of the school fund; providing separate schools for white and for colored children and pre-

scribing the studies to be taught therein; fixing the scholastic year and length of the school month; providing for boards of examiners and the issuance of teachers' certificates; providing compensation and prescribing the duties of teachers employed thereunder; providing for the extension of teachers' certificates; providing for the cancellation of teachers' certificates; providing for the teaching of manual training; regulating conveyances and bequests for the benefit of the public schools; prescribing who are entitled to the benefits of the public free school; repealing certain laws and declaring an emergency."

Question being on the pending amendment by Senator Hawkins,

Pending discussion.

Senator Decker moved that the Senate take a recess till 3 o'clock p. m. today.

Senator McKamy moved that the Senate adjourn till Tuesday morning at 10 o'clock.

Action being on the longest time first, the motion to adjourn till Tuesday was lost.

The motion to recess till 3 o'clock was then adopted.

AFTER RECESS.

The Senate was called to order by Governor Neal.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.

Austin, Tex., March 10, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 210, a bill to be entitled "An Act to amend an Act to amend an Act to amend Article 3938, Chapter 10, Title LXXXVI, of the Revised Civil Statutes of the State of Texas of 1895, relating to school districts, approved June 6, 1899."

With engrossed rider.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair had read and referred, after its caption had been read, the following bill:

House bill No. 210, Committee on Education.
(See above message for caption.)
Senator Paulus here offered a bill.
(See bills and resolutions.)

SENATE BILL NO. 218—CONSIDERED.

Action recurred on Senate bill No. 218, the question being on the pending amendment by Senator Hawkins.

The amendment was adopted.

Senator Skinner offered the following amendment:

Amend by striking out the word "shall," in line 43, page 11, and in line 5, page 12, and inserting in its stead the word "may."

Senator Brachfield offered the following substitute for the amendment, and Section 36, of the bill:

Amend by striking out all of Section 36, as amended, and inserting in lieu thereof the following:

County Superintendent.

Section 36. The office of county superintendent of public instruction is hereby created, and the commissioners court of any county in the State may, when in their judgment it may be advisable, provide for the election of a county superintendent of public instruction at each general election, who shall be a person of educational attainments, good moral character, and executive ability, a qualified voter of said county, and the holder of a first grade teachers' certificate, who shall hold his office for the term of two years, and until his successor is elected and qualified; and said commissioners court, when they so provide for the election of a county superintendent, shall appoint a county superintendent of public instruction, with the qualifications above provided, who shall perform the duties of such office until a county superintendent shall have been elected as hereinbefore provided and shall have qualified.

Senator Barrett moved to table the substitute amendment; and that motion was adopted by the following vote.

Yeas—12.

Barrett.	Hawkins.
Decker.	Hicks.
Faust.	McKamy.
Griggs.	Paulus.
Grinnan.	Stone.
Harper.	Willacy.

Nays—10.

Brachfield.	Looney.
Chambers.	Martin.

Davidson.	Meachum.
Glasscock.	Skinner.
Holland.	Terrell.

Absent.

Beaty.	Stafford.
Hanger.	Stokes.
Hill.	

Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

Senator Barrett then moved to table the amendment by Senator Skinner, which motion was adopted by the following vote:

Yeas—12.

Barrett.	Harper.
Beaty.	Hawkins.
Decker.	Hicks.
Faust.	McKamy.
Griggs.	Paulus.
Grinnan.	Willacy.

Nays—11.

Brachfield.	Martin.
Chambers.	Meachum.
Davidson.	Skinner.
Glasscock.	Stone.
Holland.	Terrell.
Looney.	

Absent.

Hanger.	Stafford.
Hill.	Stokes.

Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

Senator Skinner offered the following amendment:

Amend the bill by striking out the following words in lines 17 and 18, page 4, "purport as appear to have been issued, he shall therefore," and insert in their stead the following, viz., "were issued, he shall therefore."

The amendment was adopted.

Senator Brachfield offered the following amendment:

Amend Section 50, on page 15 of the printed bill, by striking out all of said section down to and including the word "year," in line 28, page 15, and inserting in lieu thereof the following: "The County Commissioners' Court of all organized counties not already subdivided shall have the power to subdivide their respective counties into convenient school districts."

On motion of Senator Barrett, the amendment was tabled by the following vote:

Yeas—15.

Barrett.	Hicks.
Decker.	Holland.
Faust.	Looney.
Glasscock.	McKamy.
Griggs.	Paulus.
Grinnan.	Skinner.
Harper.	Willacy.
Hawkins.	

Nays—7.

Brachfield.	Stokes.
Chambers.	Stone.
Davidson.	Terrell.
Martin.	

Absent.

Beaty.	Meachum.
Hanger.	Stafford.
Hill.	

Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

Senator Paulus offered the following amendment:

Amend page 27 by adding after the word "once," in line 23, the following, "provided, the party making application for transfer shall state in said application that it is the bona fide intention of applicant to send child to the school to which transfer is asked."

The amendment was adopted.

Senator Stone offered the following amendment:

Amend by striking out Section 169 of the bill and substitute the following in lieu thereof:

Sec. 169. All the qualified voters of each independent district shall be entitled to vote at the trustees' election, and the seven candidates receiving the largest number of votes at the first election held hereunder shall be entitled to serve as trustees as hereinbefore provided, and at all subsequent trustees' elections the three or the four candidates, as the case may be, receiving the largest number of votes shall be entitled to serve as trustees for the full term for which they are elected.

The amendment was adopted.

Senator Stone offered the following amendment:

Amend by striking out the word "eight," in line 44, page 21, Section 77, and substitute "five" in lieu thereof.

The amendment was adopted.

Senator Chambers offered the following amendment:

Amend Section 94, page 28, by striking out all of lines 35 and 36, after the word "therein," and insert in lieu thereof as follows: "The white schools to be credited by assessments paid by

whites and the negro schools by assessments paid by the negroes, and each assessment so paid shall go to the respective schools."

On motion of Senator Glasscock, the amendment was tabled.

Senator Davidson offered the following amendment:

Amend by adding to Section 57 the following: "Provided, that in all assessments of property for taxing purposes under this bill all property shall be assessed at the valuation fixed for said property for State and county purposes."

The amendment was adopted.

(Senator Davidson in the chair.)

Senator Paulus offered the following amendment, which was adopted:

Amend page 33 by adding on line 34, after the word "teaching," the following: "And school laws of Texas."

Senator Hicks offered the following amendment, which was adopted:

Amend by adding after the word "repealed," in line 4, page 52, the following: "Provided, that none of the provisions of this act shall apply to the independent school district of San Antonio when the same conflict with the special act of the Twenty-eighth Legislature incorporating the independent school district of San Antonio."

Senator Paulus offered the following amendment, which was adopted:

Amend page 12, line 28, by adding the following: "Provided further, that the county superintendent of public instruction shall have the authority to cancel the certificate of any teacher who willfully and persistently absents himself from attendance upon county institutes."

Senator Stokes moved to reconsider the vote by which the amendment by Senator Skinner striking out the word "shall" and inserting the word "may," and on that motion Senator Skinner moved a call of the Senate.

The motion being duly seconded, the roll was called, the following Senators answering to their names:

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Hanger.	Stafford.
Meachum.	

Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

ABSENTEES—NOT EXCUSED.

Senators Hanger, Stafford, Meachum. Senator Skinner made a point of order that Senator Hanger was already excused.

The Chair overruled the point of order.

Senator Barrett moved to excuse the absentees, which motion was lost by the following vote:

Yeas—13.

Barrett.	Hawkins.
Decker.	Hicks.
Faust.	McKamy.
Glasscock.	Paulus.
Griggs.	Stone.
Grinnan.	Willacy.
Harper.	

Nays—11.

Beaty.	Looney.
Brachfield.	Martin.
Chambers.	Skinner.
Davidson.	Stokes.
Hill.	Terrell.
Holland.	

Absent.

Hanger.	Stafford.
Meachum.	

Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

The Chair instructed the Sergeant-at-Arms to bring in the absentees.

SUBSTITUTE SENATE BILL NO. 46.
PASSAGE OF.

On motion of Senator Glasscock, the pending order of business (House bill No. 67) was suspended, and the Senate took up, out of its order, Substitute Senate bill No. 46.

The Chair laid before the Senate, on third reading,

Substitute Senate bill No. 46, a bill to be entitled "An Act to amend Article 2159, Title XXXIX, Chapter 25, of the Revised Civil Statutes."

Senator Glasscock offered the following amendment:

Amendment to Substitute Senate bill

No. 46—Add to the last section of the bill the following section:

"Owing to the crowded condition of the calendar, because of the lateness of the session and the many bills pending which would prevent this bill from being read on three several days, therefore an emergency and imperative public necessity exists for the suspension of the constitutional rule for bills to be read on three several days, said rule is hereby suspended and this act shall take effect and be in force immediately from and after its passage, and it is so enacted."

The amendment was adopted by the following vote:

Yeas—24.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.

Absent.

Hanger.	Willacy.
Stafford.	

Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

The bill was read third time and passed by the following vote:

Yeas—25.

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Absent.

Hanger.	Stafford.
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Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

Senator Glasscock moved to recon-

sider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 138—SCALPERS BILL.

On motion of Senator Paulus, the pending order of business (House bill No. 47) was suspended, and the Senate took up, out of its order, Senate bill No. 138.

The Chair laid before the Senate, on second reading,

Senate bill No. 138, a bill to be entitled "An Act to define the business of a railway ticket broker and to license and to regulate such business, and to provide a penalty to enforce the provisions of this act, and to repeal all laws or parts of laws in conflict herewith."

Senator Paulus offered the following amendment:

Amend by striking out, on page 1, line 19, "\$100," and inserting in lieu thereof "\$300."

Senator Hicks offered the following substitute for the amendment:

Amend by striking out the figures "\$100," in line 19, page 1, and insert the figures "\$1000."

On motion of Senator Paulus, the substitute amendment was tabled by the following vote:

Yeas—17.

Beaty.	Looney.
Brachfield.	Martin.
Glasscock.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Harper.	Stone.
Hawkins.	Terrell.
Hill.	Willacy.
Holland.	

Nays—8.

Barrett.	Faust.
Chambers.	Hicks.
Davidson.	McKamy.
Decker.	Stokes.

Absent.

Hanger.	Stafford.
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Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

Senator Hicks offered the following amendment to the amendment:

Amend by adding after the word

"place" in line 28, page 1, the following:

"Provided that incorporated cities and towns in this State and counties in this state may each levy one-half the tax or license fee herein provided."

The amendment to the amendment was adopted.

Senator Griggs offered the following substitute for the amendment:

Substitute amendment.

Amend by inserting after the word "annual," in line 18, page 1, the word "State;" and in line 19, after "\$300," insert the following: "And without paying to the town, city or municipal corporation where the business is to be conducted, an annual license fee in double the amount of the license fee paid or to be paid to the State."

On motion of Senator Paulus the substitute amendment was tabled by the following vote:

Yeas—18.

Barrett.	Hawkins.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Meachum.
Faust.	Paulus.
Glasscock.	Stone.
Grinnan.	Terrell.
Harper.	Willacy.

Nays—5.

Decker.	McKamy.
Griggs.	Stokes.
Hicks.	

Absent.

Hanger.	Skinner.
Martin.	Stafford.

Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

Senator Glasscock moved the previous question on the amendment and the bill, the motion being duly seconded, and

Senator Stokes moved that the Senate adjourn till tomorrow morning at 10 o'clock.

Senator Stone moved that the Senate adjourn till Monday morning at 10 o'clock.

Senator Decker moved that the Senate adjourn till Tuesday morning at 10 o'clock.

Action being on the longest time

first, the Senate refused to adjourn till Tuesday morning by the following vote.

Yeas—9.

Beaty.	Hicks.
Brachfield.	Hill.
Decker.	Meachum.
Faust.	Skinner.
Glasscock.	

Nays—16.

Barrett.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Griggs.	Paulus.
Grinnan.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.
Holland.	Willacy.

Absent.

Hanger.	Stafford.
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Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

Question being on the motion to adjourn till Monday morning, the Senate refused to adjourn by the following vote:

Yeas—9.

Beaty.	Hicks.
Decker.	Hill.
Faust.	Skinner.
Grinnan.	Stone.
Harper.	

Nays—16.

Barrett.	Looney.
Brachfield.	Martin.
Chambers.	McKamy.
Davidson.	Meachum.
Glasscock.	Paulus.
Griggs.	Stokes.
Hawkins.	Terrell.
Holland.	Willacy.

Absent.

Hanger.	Stafford.
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Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

Question being on the motion to adjourn till tomorrow morning at 10 o'clock,

Senator Hicks amended the motion by making it that the Senate take a

recess till tomorrow morning. The amended motion prevailed by the following vote:

Yeas—14.

Beaty.	Hicks.
Brachfield.	Hill.
Davidson.	Looney.
Decker.	McKamy.
Faust.	Skinner.
Grinnan.	Stokes.
Hawkins.	Willacy.

Nays—11.

Barrett.	Martin.
Chambers.	Meachum.
Glasscock.	Paulus.
Griggs.	Stone.
Harper.	Terrell.
Holland.	

Absent.

Hanger.	Stafford.
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Absent—Excused.

Faulk.	Harbison.
Hale.	Smith.

AFTER RECESS.

The Senate was called to order at 10 o'clock a. m. Saturday, March 11, by Lieutenant-Governor Neal.

As the Senate was only recessed the roll was not called, the Senate proceeded to business.

HOUSE CONCURRENT RESOLUTION NO. 10—ADOPTION OF.

The Chair laid before the Senate House Concurrent Resolution No. 10, authorizing the return to the city of Sherman, Texas, of two hundred and fifty (\$250.00) dollars, deposited in the State treasury to secure the payment of outstanding Texas & Pacific Railway Co. bonds, issued by said city, dated February 12th, 1874.

The resolution was read and adopted.

(See Appendix for committee reports offered here.)

SENATE BILL NO. 11—AMENDMENTS CONCURRED IN.

Senator Faulk called up Senate bill No. 11, a bill to be entitled "An Act to confer authority on

the Penitentiary Board to issue paroles to meritorious convicts, and to make and establish rules and regulations to carry the same into effect."

Senator Faulk moved to concur in the following House amendments:

Amend Senate bill No. 11 by striking out Section 5 and inserting the following in lieu thereof:

"Sec. 5. The provisions of this act shall apply to all convicts except those convicted of rape, robbery by the use of firearms, or any deadly weapon, and murder; provided, that any person convicted of murder in the first degree and robbery by use of firearms, or any deadly weapon, may be paroled after serving (15) fifteen years without commutation for good behavior; and any person convicted of murder in the second degree may be paroled after serving (10) ten years without commutation for good behavior."

(1) Page 2, lines 14 and 16, amend by striking out the word "as," in line 14, and insert in lieu thereof the words "and in regard;" by striking out the word "surrounding," and insert in lieu thereof the word "surroundings;" by striking out the word "this," in line 16, and insert in lieu thereof the word "thus."

(2) Page 1, Section 2, line 36, amend by adding the word "it" after the word "and," in line 36.

(3) Amend Section 1, lines 24 and 25, by striking out the following phrase: "as computed under the law governing commutation for good behavior."

(4) Amend Section 1, line 27, by adding after the word "contained" the following: "Provided, that in no case shall a convict be paroled until he shall have served two years of his term."

At the end of line No. 21, Section 1, strike out the word "is" and insert in lieu thereof the word "are." Strike out the words "his term," in line 23, Section 1, and insert in lieu thereof the words "their respective terms."

The motion to concur was adopted.

(Several bills were here introduced. See Bills and Resolutions for same.)

SENATE BILL NO. 98—PASSAGE OF.

On motion of Senator Stokes, the pending order of business (Senate bill No. 138) was suspended, and the Senate took up, out of its order, Senate bill No. 98.

The Chair laid before the Senate, on second reading,

Senate bill No. 98, a bill to be entitled "An Act to permit the issuance

of life certificates to public school teachers."

Senator Stokes offered the following amendment, which was adopted:

Amend by striking out the word "of," in line 16, and inserting in lieu thereof the word "which."

The amendment was adopted.

Senator Stokes offered the following amendment:

"Whereas, there is now no adequate law whereby proper concessions are made to the public school teachers of this State, and the crowded condition of the calendar of the Senate and House are such as to create a public imperative necessity that the constitutional rule requiring bills to be read on three several days should be, and the same is hereby, suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

Bill read second time and ordered engrossed.

On motion of Senator Stokes, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Terrell.
Harper.	Willacy.

Absent.

Glasscock.	Martin.
Hanger.	Stone.
Holland.	

Absent—Excused.

Harbison.	Smith.
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(Senator Willacy in the chair.)

The bill was read third time and passed by the following vote:

Yeas—24.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	McKamy.
Decker.	Meachum.

Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Terrell.
Harper.	Willacy.

Absent.

Glasscock.	Martin.
Hanger.	Stone.
Holland.	

Absent—Excused.

Harbison.	Smith.
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Senator Stokes moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

Senator Hicks moved to suspend pending business, Senate bill No. 138, for the purpose of taking up Senate bill No. 261, but pending objections, Senator Hicks withdrew his motion.

SENATE BILL NO. 218—PASSAGE OF.

On motion of Senator Barrett the pending order of business, House bill No. 138, was suspended, and the Senate took up, out of its order, Senate bill No. 218.

The Chair laid before the Senate Senate bill No. 218. (See former proceedings in today's Journal of action on.)

The question being on Senator Stokes' motion to reconsider the vote by which the amendment by Senator Skinner, providing to strike out the word "shall" and insert the word "may," was lost.

The motion to reconsider was adopted.

Senator Skinner then withdrew the amendment.

Senator Skinner then offered the following amendment to Section 36:

Amend by striking out Section 36, as amended, and insert the following in lieu thereof:

Section 36. The office of county superintendent of public instruction is hereby created, and the commissioners court of every county in this State having a scholastic population of five thousand or over, inclusive of independent districts, as shown by the preceding scholastic census, shall provide for the election of county superintendent of public instruction at each general election, and in every county in this State having a scholastic population of less than five thousand, in-

clusive of independent districts, the commissioners may, if they deem it for the best interest of the public schools therein, create the office of county superintendent of public instruction and at each general election thereafter provide for the election of a person to fill said office; provided, that when said office is created in any county, it shall not be abolished in less than ten years from the date of its creation.

The county superintendent of public instruction shall be a person of educational attainment, good moral character and executive ability. He shall be the holder of a teacher's first grade or teacher's permanent certificate; and he shall hold his office for the term of two years, and until his successor shall have been elected and qualified. In every county of this State having a scholastic population of five thousand or over, inclusive of independent districts, the county commissioners court shall appoint a county superintendent of public instruction, possessing the qualifications above provided, who shall perform the duties of such officer until a county superintendent shall have been elected and qualified, as hereinbefore provided.

Senator Brachfield moved to table the amendment, and that motion was lost by the following vote:

Yeas—2.

Brachfield.	Terrell.
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Nays—21.

Barrett.	Hawkins.
Beaty.	Hicks.
Chambers.	Hill.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Willacy.
Harper.	

Absent.

Glasscock.	Martin.
Hanger.	Meachum.
Holland.	Stone.

Absent—Excused.

Harbison.	Smith.
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The amendment was then adopted. Senator Skinner offered the following amendment:

Amend by striking out all of Section 41, after the word "oaths," in line 39, page 13.

The amendment was adopted.

Senator Skinner offered the following amendment:

Amend by striking out after the word "receiver," in line 13, page 14, the following: "such other salary," and insert in their stead the following: "for his services as superintendent such salary."

The amendment was adopted.

Senator Skinner offered the following amendment:

Amend the bill, Section 127, page 38, by adding after the word "State" at the end of line 9, the following:

"Provided, that any teacher holding a certificate to teach in the public schools of this State, who shall enter into a written contract with any board of trustees to teach any public school in this State, and shall, after making such contract, and without the consent of the trustees, abandon said contract, except for good cause, such abandonment shall be considered sufficient grounds for the cancellation of said teacher's certificate, and the same may be cancelled upon the complaint of said trustees or either of them."

The amendment was adopted.

Senator Skinner offered the following amendment:

Amend Section 40 so as to read as follows:

"Section 40. The county superintendents herein provided for shall receive from the available school fund of their respective counties annual salaries as follows: In every county in Texas when the office of county superintendent of public schools has been created, that has a scholastic population of not less than three thousand nor more than four thousand, the county school superintendent shall receive an annual salary of not more than one thousand dollars; in every county that has a scholastic population of more than four thousand and not exceeding five thousand, the county school superintendent shall receive an annual salary of not more than eleven hundred dollars; in every county that has a scholastic population of more than five thousand and not exceeding six thousand, the county school superintendent shall receive an annual salary of not more than twelve hundred dollars; and in every county that contains a scholastic population of more than six thousand, the county school superintendent shall receive an annual salary not to exceed fourteen hundred dollars; provided, that the commissioners courts of the several counties shall allow the county school superintendent an annual sum not to exceed \$100.00 for stamps, stationery, expressage and printing, to be paid out of the general fund of such county."

Senator Barrett offered the following substitute for the amendment:

Amend Section 40 so as to read as follows:

Section 40. The county superintendents herein provided for shall receive from the available school fund of their respective counties annual salaries as follows: In every county in Texas where the office of county superintendent of public schools has been created, that has a scholastic population of not less than three thousand nor more than four thousand, the county school superintendent shall receive an annual salary of one thousand dollars; in every county that has a scholastic population of more than four thousand and not exceeding five thousand, the county school superintendent shall receive an annual salary of eleven hundred dollars; in every county that has a scholastic population of more than five thousand and not exceeding six thousand, the county school superintendent shall receive an annual salary of twelve hundred dollars; in every county that has a scholastic population of more than six thousand, the county school superintendent shall receive an annual salary of fourteen hundred dollars; provided that the commissioners courts of the several counties shall allow the county school superintendent an annual sum not to exceed one hundred dollars for stamps, stationery, expressage and printing, to be paid out of the general fund of such county.

Question being on the adoption of the substitute, and the roll call developed no quorum voting, the following senators answering to their names:

Yeas—14.

Barrett.	Hicks.
Beaty.	Looney.
Decker.	Paulus.
Faust.	Skinner.
Griggs.	Stafford.
Grinnan.	Stokes.
Hawkins.	Willacy.

Nays—6.

Chambers.	Harper.
Davidson.	Hill.
Faulk.	Terrell.

Absent.

Brachfield.	Martin.
Glasscock.	McKamy.
Hale.	Meachum.
Hanger.	Stone.
Holland.	

Absent—Excused.

Harblison.	Smith.
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Senator Davidson moved a call of the Senate for the purpose of securing and maintaining a quorum. The motion was duly seconded, and the roll was called, the following answering to their names :

Barrett.	Hawkins.
Beaty.	Hicks.
Chambers.	Hill.
Davidson.	Looney.
Decker.	Paulus.
Faulk.	Skinner.
Faust.	Stafford.
Griggs.	Stokes.
Grinnan.	Terrell.
Hale.	Willacy.
Harper.	

Absent.

Brachfield.	Martin.
Glasscock.	McKamy.
Hanger.	Meachum.
Holland.	Stone.

Absent—Excused.

Harbison.	Smith.
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ABSENTEES—NOT EXCUSED.

Glasscock, Hanger, Holland, Martin, McKamy, Stone.

The Sergeant-at-Arms was instructed to bring in the absentees.

Senator McKamy was here announced at the bar of the Senate.

Senator Barrett moved that the absentees be excused on the pending bill and amendments.

The motion was adopted.

Question then recurred on the substitute amendment by Senator Barrett to the amendment by Senator Skinner, and the same was adopted.

Senator Decker offered the following amendment:

Amend the bill by striking out "twenty-five," in line 26, page 43, and insert "sixty-four."

On motion of Senator Davidson the amendment was tabled by the following vote:

Yeas—12.

Beaty.	Harper.
Chambers.	Looney.
Davidson.	Skinner.
Faulk.	Stokes.
Grinnan.	Terrell.
Hale.	Willacy.

Nays—10.

Barrett.	Hicks.
Decker.	Hill.

Faust.	McKamy.
Griggs.	Paulus.
Hawkins.	Stafford.

Absent.

Brachfield.	Martin.
Glasscock.	Meachum.
Hanger.	Stone.
Holland.	

Absent—Excused.

Harbison.	Smith.
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Senator McKamy offered the following amendment:

Amend by adding to Section 179, as amended, the following: "Provided that no provision of this act shall apply to any city managing its school under special charter, where the provisions of said charter are in conflict herewith."

The amendment was adopted.

Senator Looney offered the following amendment:

Amend the bill by inserting after the word "miles," page 43, line 26, as follows: "Provided that said corporation shall be laid out in a square as near as is practicable," with reference to the location of the school building."

Senator Decker moved the previous question on the amendment and the bill and the same being duly seconded the same was ordered.

The amendment was adopted by the following vote:

Yeas—14.

Beaty.	Looney.
Davidson.	McKamy.
Faulk.	Paulus.
Grinnan.	Skinner.
Hale.	Stokes.
Harper.	Terrell.
Hawkins.	Willacy.

Nays—8.

Barrett.	Griggs.
Chambers.	Hicks.
Decker.	Hill.
Faust.	Stafford.

Absent.

Brachfield.	Martin.
Glasscock.	Meachum.
Hanger.	Stone.
Holland.	

Absent—Excused.

Harbison.	Smith.
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The bill was read second time and ordered engrossed by the following vote:

Yeas—17.

Barrett.	Hawkins.
Beaty.	Hicks.
Chambers.	Looney.
Decker.	McKamy.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stafford.
Hale.	Willacy.
Harper.	

Nays—5.

Davidson.	Stokes.
Faulk.	Terrell.
Hill.	

Absent.

Brachfield.	Martin.
Glasscock.	Meachum.
Hanger.	Stone.
Holland.	

Absent—Excused.

Harbison.	Smith.
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On motion of Senator Barrett the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Barrett.	Hawkins.
Beaty.	Hicks.
Chambers.	Hill.
Davidson.	Looney.
Decker.	McKamy.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Terrell.
Harper.	Willacy.

Absent.

Brachfield.	Martin.
Glasscock.	Meachum.
Hanger.	Stone.
Holland.	

Absent—Excused.

Harbison.	Smith.
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The bill was read third time, and passed by the following vote:

Yeas—17.

Barrett.	Hawkins.
Beaty.	Hicks.
Chambers.	Looney.
Decker.	McKamy.
Faust.	Paulus.

Griggs.	Skinner.
Grinnan.	Stafford.
Hale.	Willacy.
Harper.	

Nays—5.

Davidson.	Stokes.
Faulk.	Terrell.
Hill.	

Absent.

Brachfield.	Martin.
Glasscock.	Meachum.
Hanger.	Stone.
Holland.	

Absent—Excused.

Harbison.	Smith.
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Senator Barrett moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 461—PAS-
SAGE OF.

On motion of Senator Hawkins the pending order of business (Senate bill No. 138) was suspended, and the Senate took up, out of its order, House bill No. 461.

The Chair laid before the Senate, on second reading,

House bill No. 461, a bill to be entitled "An Act to provide that all volumes constituting a portion of the records of any county organized prior to January 1, 1882, wherein are recorded deeds, mortgages or trust deeds or other muniments of title to real estate situated in such county, which volumes and records are now and since the 1st of January, 1882, have been constantly among the archives of such county as records thereof, shall be and are declared to be in all respects lawful and valid records of such counties, respectively, for all purposes whatsoever relating to titles to real estate, and to provide that certified copies of instruments recorded in said volumes made in accordance with law shall have the force and effect that certified copies of original records have in organized counties, and that same may be used for all lawful purposes for certified copies of original records in ordinary cases in organized counties."

The committee report was adopted. Senator Hawkins offered the following amendment:

Amend by striking out of Section 1, page 2, the words "since the first day of January, 1882."

The amendment was adopted.

Bill read second time and passed to a third reading.

On motion of Senator Hawkins the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—20.

Barrett.	Hicks.
Beaty.	Hill.
Chambers.	Looney.
Davidson.	McKamy.
Faulk.	Paulus.
Faust.	Skinner.
Grinnan.	Stafford.
Hale.	Stokes.
Harper.	Terrell.
Hawkins.	Willacy.

Present—Not Voting.

Griggs.

Absent.

Brachfield.	Holland.
Decker.	Martin.
Glasscock.	Meachum.
Hanger.	Stone.

Absent—Excused.

Harbison.	Smith.
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The bill was read third time, and passed by the following vote.

Yeas—19:

Barrett.	Hawkins.
Beaty.	Hicks.
Chambers.	Hill.
Davidson.	Looney.
Faulk.	McKamy.
Faust.	Paulus.
Griggs.	Stafford.
Grinnan.	Terrell.
Hale.	Willacy.
Harper.	

Nays—1.

Skinner.

Absent.

Brachfield.	Holland.
Decker.	Martin.
Glasscock.	Meachum.
Hanger.	Stone.

Absent—Excused.

Harbison.	Smith.
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Senator Hawkins moved to reconsider the vote by which the bill was

passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 196—SUBSTITUTE OFFERED.

Senator Terrell called up

Senate bill No. 196, a bill to be entitled "An Act to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 16, Chapter 86, of the Acts of the Twenty-sixth Legislature, pages 138, 139, 140, 141, 142 and 143, approved April 19, 1899, entitled 'An Act to create the office of State Purchasing Agent for the various eleemosynary institutions of the State of Texas, to define his duties, term of office, mode of qualification and compensation; to abolish the office or position of steward, quartermaster or other similar position in said institution; to require all supplies to be purchased by said agent under competitive bids or contracts; to provide for the appointment of storekeepers or accountants in said institutions, and to define the duties thereof; to make an appropriation for the salary of said Purchasing Agent; to provide for the appointment of two clerks for said Purchasing Agent, and to make appropriation for their salaries; to define offenses committed under the operation of this Act, and to provide penalties therefor,' and providing the mode of furnishing certain supplies to the various eleemosynary institutions of the State of Texas, with the emergency clause."

And offered the following substitute for the bill, and asked that it be published in the Journal.

S. S. B. No. 196.) (By Terrell.

An Act to be entitled "An Act to amend Chapter 86 of the General Laws of the State of Texas passed by the Twenty-sixth Legislature, and approved April 19, 1899, entitled 'An Act to create the office of State Purchasing Agent for the various eleemosynary institutions of the State of Texas; to define the duties, term of office, mode of qualification and compensation; to abolish the office or position of steward, quartermaster or other similar position in said institutions; to require all supplies to be purchased by said agent under competitive bids or contracts; to provide for the appointment of storekeepers or accountants in said institutions, and to define the duties thereof; to make an appropriation for the salary of said purchasing agent; to provide for the appointment of two clerks for said purchasing agent and to make an ap-

appropriation for their salaries; and to define offenses committed under the operation of this act, and to provide penalties therefor," and providing an emergency.

Be it enacted by the Legislature of the State of Texas:

That Chapter 86 of the General Laws of the State of Texas passed by the Twenty-sixth Legislature, and approved April 19, 1899, entitled, "An Act to create the office of State Purchasing Agent for the various eleemosynary institutions of the State of Texas; to define his duties, term of office, mode of qualification and compensation; to abolish the office or position of steward, quartermaster or other similar position in said institutions; to require all supplies to be purchased by said agent under competitive bids or contracts; to provide for the appointment of storekeepers or accountants in said institutions, and to define the duties thereof; to make an appropriation for the salary of said Purchasing Agent, to provide for the appointment of two clerks for said Purchasing Agent, and to make appropriation for their salaries; and to define offenses committed under the operation of this act, and to provide penalties therefor," be and the same is hereby amended, so as hereafter to read as follows:

Section 1. That there be and is hereby created the office of State Purchasing Agent, who shall be appointed by the Governor, by and with the consent of the Senate, every two years, and who shall hold his office for the term of two years from the date of his qualification, and until his successor is appointed and qualified. It shall be the duty of said purchasing agent to contract for and purchase certain supplies hereinafter enumerated, and in the manner and as hereinafter directed, for the following named State institutions, to wit: those for the care of the insane and the epileptic, the deaf and dumb, the blind, the orphans and the Confederate Home, and all others of a charitable and eleemosynary character, to be hereafter established by the State and under its control.

Said Purchasing Agent shall receive an annual salary not to exceed two thousand dollars. He shall not be interested in, or in any manner connected with, any contract or bid for furnishing supplies or articles of any kind to any of said institutions, or to any other department or institution of the State, or with any person, firm or corporation who is interested in or in any manner connected with any kind of contract with the State or any of its

institutions and departments, nor shall he collect or be paid his salary or any part thereof while he is in any manner or degree indebted to the State, or in arrears in his account and reports as said agent.

Sec. 2. Upon being appointed and confirmed as aforesaid, said agent shall take the constitutional oath of office, and enter into a bond payable to the State of Texas in the sum of fifty thousand dollars, to be approved by the Governor of the State, and conditioned for the faithful performance of his duties, and that he will correctly and honestly pass upon and award all bids and contracts for supplies, and will fully and accurately account to and pay over to the State, or the person authorized to receive the same, all moneys, merchandise and articles of value that shall come into and pass through his hands as such agent, or for which he may be responsible; and also conditioned that he will honestly, faithfully and accurately disburse and account for all moneys controlled or handled by him in the performance of his duties. It is further declared unlawful and within the conditions of said bond for said agent to sell or be in any manner concerned in the sale of any merchandise, supplies or other articles to any of the institutions herein named or to any other department or institution of the State. It shall also be in the condition of said bond, and the same shall provide, that said purchasing agent shall not accept or receive, directly or indirectly, by rebate, commissions or in any other manner whatever any money or other thing of value from any person, firm or corporation to whom said agent may award any contract, directly or indirectly. The said bond shall be filed in the office of the Comptroller, and recoveries may be had on the same until exhausted.

Sec. 3. There shall be appointed by the superintendents, with the advice and consent of the board of managers of said institutions, storekeepers and accountants, one for each of said institutions, who shall hold their office for two years from date of qualification, or until their successors shall have qualified, unless sooner removed by the board of managers at the suggestion of the superintendent, for inefficiency, incompetency, neglect of duty or other adequate cause affecting their faithful and satisfactory performance or duty. Said storekeepers or accountants shall each receive a compensation not to exceed the sum of twelve hundred dollars per annum, to be charged and paid as part of the current expenses of said institutions

Sacred to the Memory of

Hon. Thomas J. Goree

By Senator Meachum:

To the Hon. George D. Neal, President of the Senate:

Whereas, The Hon. Thomas J. Goree, late of Galveston county, in this State, a gallant soldier and officer of the late war between the States, who has also served the people of Texas for many years in important public positions with fidelity and distinguished ability, and who, by his uprightness of conduct and honorable deportment, has reflected at all times credit upon those whom it was his pleasure to serve, has been removed by death; therefore be it

Resolved, by the Senate of Texas, That we deplore the death of this distinguished citizen and soldier, and now here desire to express our appreciation of him, his honorable and devoted service to his State, and to testify to the loss we feel in his removal from this "vale of tears," and we do, therefore, adopt this resolution extending to his family and surviving friends our sincere condolence in their bereavement, and we do now here resolve that this resolution be spread upon a page of the Journal of the Senate, to be set apart for this purpose, and that when the Senate adjourns today, it do so out of respect to his memory, and that a copy of this resolution be properly endorsed by the Secretary of the Senate, certified and forwarded to the family of the deceased at Huntsville, Texas.

The resolution was read and adopted by a rising vote.

respectively, and they shall not be entitled to charge, collect or receive any other compensation or commutation or commission, unless their own individual board, lodging and laundry, if they shall be required to reside within the institutions to which they are attached. Each of said storekeepers or accountants shall, before entering upon the performance of his duties, make a bond in the sum of ten thousand dollars, payable to the State of Texas, to be approved by the Governor and filed with the Comptroller, which bond shall be conditioned for the full, faithful, accurate and honest performance of his duties, and it shall not be lawful for said storekeepers or accountants to sell or be in any way concerned in the sale of any merchandise, supplies or other articles to any of the institutions herein named, or to have any interest in any bid or contract therewith or with any other institution or department of the State government. They shall keep the Purchasing Agent constantly advised as to the amount and character of supplies on hand, and the amount and character required in order to keep the institutions constantly provided for. They shall also furnish any other information respecting such matters as may be desired by the said Purchasing Agent.

Sec. 4. It shall be the duty of the Purchasing Agent aforesaid to contract for and purchase for each of said institutions all staple, non-perishable groceries, dry goods, boots, shoes and hats, and fuel, basing his contracts upon estimates and requisitions to be furnished him by the superintendents and approved by the boards of managers of said institutions, respectively. Such contracts shall be made quarterly, semi-annually or annually, as said Purchasing Agent and said boards and superintendents, respectively, may deem to be the best interest of the institution, and shall be made after full notice by advertisement for not less than three weeks in four leading newspapers of the State, selected by said agent, regard being had in all things to the appropriation for each institution. Such advertisement shall call for sealed bids or proposals to furnish the aggregate of the desired articles and supplies for each of said institutions, as estimated, naming the articles and supplies and the quantity and character required; and all such bids or proposals shall be for three, six, nine and twelve months, and separate bids shall be made for each institution; such supplies, articles and merchandise to be delivered at such times and in such quantities as the superinten-

dents of said institutions respectively may designate; and should the supplies, or any portion thereof, as contracted for be not sufficient in quantity for the time for which the contract therefor was made, then the contractor or contractors shall be required to furnish such additional supplies of the same character at the prices named for similar articles under the contract or contracts. Said agent may reject any bid in whole or in part where the same is deemed unsatisfactory and not advantageous, and purchase the rejected articles in open market for one quarter, or until a proper and satisfactory bid is offered.

Sec. 5. Any and all bids or proposals under this Act shall be accompanied by a certified check or bond in the sum of twenty-five per cent of the amount of such bid, conditioned that if the bidder is awarded one or more contracts he or they will, in twenty days after notice thereof, execute a bond payable to the State of Texas in a sum not less than one-half of the amount of his or their bid for the faithful performance of the contract; such bonds to be approved by said agent where the contract is awarded by him, and by the board of managers, where the contract is awarded by them, and recoveries may be had on such last mentioned contractors' bonds until the same are exhausted.

Sec. 6. All bids made to the Purchasing Agent shall be opened by him, or in his absence by his clerk, at the respective institutions for which the same were made and on the date specified in the advertisement for same, and such opening and inspection of bids shall be in the presence of the superintendent and at least one member of the board of managers of such institution, who, with the storekeeper, shall assist said agent in making his awards.

Sec. 7. All bidders shall furnish and deliver, prior to the date of opening such bids, to the storekeeper and accountant at the institution for which he bids, samples of the articles upon which he bids, except such articles as are well known by name or brand, such storekeeper to be the exclusive judge as to such well known articles for which no sample is required.

It shall be the duty of the storekeeper and accountant to see that the supplies and articles furnished by the contractors correspond with the sample furnished or the brand contracted for, otherwise he shall notify the contractor that he declines to accept the goods, when the contractor shall cause the same to be taken from the institution,

unless a satisfactory settlement is made between him and the superintendent and board of managers. When requested to do so the storekeeper shall return to the bidder his samples, where awards were not made on same, at the expense of such bidder for transportation.

Sec. 8. Invoices of all supplies of whatever kind shall be furnished in triplicate by the contractor or seller at the time of each delivery of supplies, two of which shall be transmitted to the storekeeper of the institution to which supplies are sent, and one by the same mail to the Purchasing Agent at Austin. To one of the invoices transmitted to the storekeeper the contractor shall append an affidavit made and subscribed by him or his agent before any officer having a seal and authorized to administer oaths, that the invoice is, within the knowledge of the affiant, just, correct and wholly unpaid, and that it corresponds in every particular to the supplies sold, furnished and shipped, and that no commission or other compensation has been or will be paid or received as a consideration for such purchase.

As soon as the supplies shall have been received and examined by the storekeeper of the institution to which same were shipped, and if he shall find them to correspond in every particular with the invoices transmitted to him and with the supplies purchased by sample or brand, he shall transmit to the purchasing agent, in cases where the supplies were purchased by that officer, the said invoice sworn to, with his certificate thereon that such supplies had been received and that they correspond with the invoice and with the supplies purchased by sample, name or brand, showing the particular account or appropriation to which the various articles thereof are chargeable, and if the purchasing agent shall, upon examination, find such invoice to be correct, he shall transmit it, with his approval, to the State Comptroller, who shall draw his warrant for the amount due on such invoice, or for so much thereon as has been allowed, upon the State Treasurer, and it shall be by the Comptroller charged against the institution so furnished and against the particular account or appropriation indicated in the certificate of the storekeeper.

Sec. 9. All material, property, goods, wares, merchandise and supplies of whatsoever character needed and required for the use and maintenance of said institutions not mentioned and included in Section 4 hereof, shall be purchased by the board of managers

and superintendents of said institutions respectively, and in the purchase of the same they shall comply, as nearly as practicable, with the above requirements pertaining to the purchase of the supplies mentioned in said section 4, except the said sworn invoices hereinabove mentioned; in cases where the supplies or other material or property are purchased by the board and superintendent, shall not be sent to or approved by the purchasing agent, but instead thereof shall be approved by the president of the board of managers and the superintendent, and on receipt of such approved invoices the State Comptroller shall draw his warrant for the amount shown to be due thereon upon the State Treasurer, and it shall be charged against the institution so furnished and against the particular account or appropriation indicated in the certificate of the storekeeper. The members of the boards of managers attending and assisting in the purchase of such supplies shall receive the same compensation for such service, not to exceed four meetings per annum, as is now allowed them by law for their regular monthly meetings.

Sec. 10. The purchasing agent shall have authority to appoint one clerk to assist him in his duties, with a salary not to exceed one thousand dollars per annum, and said agent shall make an annual report to the Governor at the end of each fiscal year, covering all his acts and doings, and such report shall be laid before the Legislature at its next session thereafter.

Sec. 11. No officer or employee created, authorized or provided for by this act shall ever use or receive for his own use any provisions, clothing, merchandise or other article furnished by the State, nor receive or accept any commission or other compensation, directly or indirectly, by rebate, draw back, gift or otherwise, from any person or corporation selling, or interested in selling, supplies or articles of any character to any of said institutions, except that the storekeepers may receive their board, lodging and laundry where they are required by the boards of managers to reside in their respective institutions; and any person who shall violate any of the provisions of this section, or of this act, shall, upon conviction, be punished by confinement in the penitentiary for a term not less than two nor more than ten years.

Sec. 12. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 13. The near approach of the end of the present session, and the

large number of bills now upon the calendars of the House and Senate, and the importance of this act, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from any after its passage, and it is so enacted.

HOUSE BILL NO. 190—REFUSED TO TAKE UP.

Senator Hill moved that the pending order of business (Senate bill No. 138) be suspended, and the Senate take up, out of its order, House bill No. 190.

The Senate refused to take up the bill by the following vote:

Yeas—14.

Barrett.	Hawkins.
Chambers.	Hicks.
Decker.	Hill.
Faulk.	McKamy.
Faust.	Skinner.
Griggs.	Stokes.
Grinnan.	Willacy.

Nays—8.

Beaty.	Looney.
Davidson.	Paulus.
Hale.	Stafford
Harper.	Terrell.

Absent.

Brachfield.	Martin.
Glasscock.	Meachum.
Hanger.	Smith.
Harbison.	Stone.
Holland.	

PENDING BUSINESS—SENATE BILL NO. 138.

The Chair laid before the Senate pending business, Senate bill No. 138.

The question was on the amended amendment by Senator Paulus, which was adopted.

Senator Hicks offered the following amendment:

Amend by adding after the word "railroad," in line 23, page 2, the following: "Or any ticket which would require the purchaser thereof, if he should use the same, to assume the name of another."

Pending.

Pending discussion of the amendment by Senator Hicks.

On motion of Senator Stafford the

Senate adjourned till Tuesday morning at 10 o'clock.

APPENDIX A.

In accordance with resolution adopted, the Secretary furnishes the following report:

House bill No. 3, prohibiting roping contests. Second reading, special order for March 6.

House bill No. 12, relating to taxation of insurance, telephone, sleeping and dining cars, and other corporations, etc. Committee on Insurance, Statistics and History.

House bill No. 20, relating to settlement of pecuniary fines in felony cases. Committee on Penitentiaries.

House bill No. 22, intangible assets bill. Committee on Internal Improvements.

House bill No. 36, Blanton pure food bill, on second reading.

House bill No. 39, regulating the sale of cocaine and other drugs. On second reading.

House bill No. 46, to amend Article 2967, of the Revised Civil Statutes of 1895. On second reading.

House bill No. 47, relating to the carrying of arms. On second reading. Favorable majority and adverse minority report.

House bill No. 50, relating to fees of office of certain State officers. Committee on Internal Improvements.

House bill No. 52, relating to taxation of railroads, etc. Committee on Internal Improvements.

House bill No. 54, relating to protection of lives and property of traveling public. Judiciary No. 1.

House bill No. 55, relating to regulation by City Councils of charges for light, water, light, etc. Committee on City and Town Corporations.

House bill No. 67, relating to fraudulent disposition of mortgaged property. Third reading. Special order for February 24.

House bill No. 70, relative to taking depositions in criminal actions. On second reading. Favorable majority and adverse minority report.

House bill No. 76, relating to Legislators' children attending school in Austin. Second reading.

House bill No. 77, relating to who shall vote for county superintendent of Travis county. Committee on Judiciary No. 1.

House bill No. 85, to amend Article 5087 of Chapter 2, Title CIV, Revised Civil Statutes of 1895. Committee on Judiciary No. 1.

House bill No. 87, relating to sale of certain public lands to railroads. Second reading. Special order for March 2.

House bill No. 95, authorizing city of Bryan to dispose of certain property. On second reading.

House bill No. 127, relating to private corporations. Committee on Judiciary No. 1.

House bill No. 173, general road law. On second reading.

House bill No. 190, authorizing the Attorney General to bring suit for destruction of timber on certain lands. On second reading.

House bill No. 196, creating a more efficient road law for Caldwell county. On second reading.

House bill No. 210, relating to school districts. Committee on Education.

House bill No. 214, Thirty-eighth Judicial District Court. Committee on Judicial Districts.

House bill No. 217, amending charter of Galveston. On second reading.

House bill No. 227, relating to collection of taxes by Comptroller. Judiciary Committee No. 1.

House bill No. 241, relating to issuance of bonds by counties and cities. Committee on Counties and County Boundaries.

House bill No. 243, switch light and derailing bill. On second reading.

House bill No. 251, relating to catching of fish in the fresh waters of this State. Judiciary Committee No. 2.

House bill No. 253, to promote agriculture and stock raising. On second reading.

House bill No. 290, Twelfth Judicial District Court bill. On second reading.

House bill No. 277, to reorganize the Twenty-third, Twenty-fourth, Twenty-fifth, Thirty-sixth and Forty-ninth Judicial Districts. On second reading.

House bill No. 390, creating a more efficient road law for Comanche county. On second reading.

House bill No. 392, to reorganize the Twenty-seventh, Thirty-third and Thirty-fifth Judicial Districts. Committee on Judicial Districts.

House bill No. 393, wolf scalping bill. On second reading.

House bill No. 397, Sixty-second Judicial District bill. Committee on Judicial Districts.

House bill No. 411, relating to retirement of certain State bonds. Committee on Public Debts, Claims and Accounts.

House bill No. 433, to amend charter of the city of El Paso. On second reading.

House bill No. 444, to amend charter of the city of Sherman. Committee on City and Town Corporations.

House bill No. 461, relating to records of counties organized prior to January 1, 1882. On second reading.

House bill No. 471, Titus County

Court bill. Committee on Judicial Districts.

House bill No. 473, to amend charter of the city of Sherman. On second reading.

House bill No. 479, relating to railroads using seawall lands in the city of Galveston. Judiciary Committee No. 1.

House bill No. 509, incorporating the city of Cleburne. Committee on City and Town Corporations.

House bill No. 520, relating to road working in Camp and Upshur counties. Committee on Roads, Bridges and Ferries.

House bill No. 525, creating a more efficient road system for Ellis county. Committee on Roads, Bridges and Ferries.

APPENDIX B.

JUDICIARY NO. 1.

Committee Room,

Austin, Texas, March 10, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 127, a bill to be entitled "An Act to amend Article 643 of the Revised Civil Statutes of the State of Texas, relating to private corporations,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,

Austin, Texas, March 10, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 273, a bill to be entitled "An Act to amend Article 713 of the Revised Statutes of the State of Texas as revised in the year 1895, relating to the formation and powers of religious, charitable and other corporations,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,

Austin, Texas, March 10, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 77, a bill to be entitled "An Act to only allow the qualified electors of Travis county residing out of the city of Austin to vote for county superintendent of public instruction. Articles 3929a and 3930, Revised Statutes, not repealed, but only such laws as are in direct conflict."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,
Austin, Texas, March 10, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 237, a bill to be entitled "An Act to amend Sections 1, 14, 15 and 16, and add Section 17, containing the emergency clause, to Chapter 110 of the Acts of the Twenty-fifth Legislature, entitled etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,
Austin, Texas, March 10, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 268, a bill to be entitled "An Act to amend Title XVIII, Chapter 3 of the Revised Civil Statutes of the State of Texas, by adding thereto Article 400a, pertaining to the appointment of policemen in cities and towns and requiring them to take an oath of office and make a good and sufficient bond, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,
Austin, Texas, March 10, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 479, a bill to be entitled "An Act to prohibit the granting for the use of railway or other purposes of any part of the tract of land in the city and county of Galveston, Texas, acquired by that county or the commissioners court thereof for sea wall purposes,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it pass.

HICKS, Chairman.

Committee Room,
Austin, Texas, March 10, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 248, a bill to be entitled "An Act to amend Article 4070 of the Revised Statutes of 1895, relating to the filling of vacancies in the office of county and district surveyor in this State, and to add an emergency clause,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,
Austin, Texas, March 10, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 184, a bill to be entitled "An Act to remit penalties on certain patents and to authorize the Commissioner of the General Land Office to deliver to the owner of the land the patent therefor upon payment of the patent fee,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,
Austin, Texas, March 10, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 272, a bill to be entitled "An Act to amend Chapter 143 of the General Laws of the State of Texas, passed at the regular session of the Twenty-fifth Legislature, which was an act to provide for the disorganization of the county of Loving, in the State of Texas, and to attach said county to the county of Reeves, for judicial and other purposes, and to provide for the assessments and collection of taxes in said county, and for the payment of the outstanding indebtedness of said county,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it pass.

HICKS, Chairman.

(Majority Report.)

Committee Room.

Austin, Texas, March 10, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 59, a bill to be entitled "An Act to amend Title LIX, Revised Civil Statutes of Texas, relating to insurance, by amending Chapter 3, Article 3089, making insurance companies insuring real property liable for the full amount of the policy, in case of total loss, and in case of damage, for the full amount thereof; and by adding Article 3089a, providing * * * etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the accompanying committee substitute bill pass in lieu thereof.

HICKS, Chairman.

C. S. S. B. No. 59.)

(By Committee.

A bill to be entitled "An Act on the subject of insurance, providing the amount due in case of partial loss on real estate; also for the collection of reasonable attorney's fees by the insured on any loss, in addition to the amount thereof on failure of the insurer to settle according to contract; providing for tender by the insurer, and defining the same; defining who are agents of insurance companies, and prohibiting the limiting of their authority so as to bind the insured; providing what shall be a compliance with the 'iron safe' clause, and declaring the statements thereof representations only; providing the circumstances under which the insurer shall be estopped to plead forfeiture as a defense to a suit; providing for settlements in case the insured beneficiary or assignee ceases to pay premiums, or where the age or occupation of the insured is misstated; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Where there is a damage by fire to real property less than a total loss, the insured shall be liable for the full amount of the damage, not to exceed the amount of the policy or the proportion thereof due by said assured where there exists concurrent insurance, and any percentage loss or value clause in a contract insuring real estate shall not be valid, except in cases where, under the contract, the insured is obligated to carry co-insurance; but in no event shall any such clause or clauses apply in case of a total loss.

Sec. 2. In all cases where a loss occurs by fire to property insured, and the insurer liable therefor shall fail to pay the same by the day of performance and after demand thereof, such insurer shall be liable to pay the holder of such policy, in addition to the amount of the loss, reasonable attorney's fees for the prosecution and collection of such loss;

Provided that such insurer shall not be liable for any attorney's fees where the holder of such policy has been tendered by the insurer on or before the day when performance is due an amount in settlement of said loss equal to or greater than the amount recovered by suit;

Provided further, that a tender within the meaning of this article may be an unequivocal, bona fide offer in writing to pay, the insurer possessing at the time capacity to perform if the offer is accepted.

Sec. 3. Any person who solicits insurance on behalf of any insurance company, whether incorporated under the laws of this or any other State or foreign government, or who takes or transmits other than for himself any application for insurance, or any policy of insurance to or from such company, or who shall receive or deliver a policy of insurance of any such company, or who shall examine or inspect any risk, or receive, or collect, or transmit any premium of insurance, or make or forward any diagram of any building or buildings, or do or perform any other act or thing in the making or consummating of any contract of insurance for or with any such insurance company, other than for himself, or who shall examine into, or adjust or aid in adjusting, any loss for or on behalf of any such insurance company, whether any of such acts shall be done at the instance or request, or by the employment of such insurance company, or by any agent thereof, shall be held to be the agent of the company for which the act is done or the risk is taken;

Provided that as against the insured no limitation of the authority of any agent, solicitor or other person, by whatever name designated, or in whatever capacity employed, who may do or perform any act or thing in connection with any insurance contract, whether before or after the making of such contract or before or after any loss occurring thereunder, shall be valid or binding;

Provided further, that the provisions of this article shall not apply to citizens of this State who arbitrate in the adjustment of losses between the insurers and the insured;

Provided further, that the provisions of this article shall not apply to practicing attorneys at law in the State of Texas, acting in the regular transaction of their business, as such attorneys at law, and who are not local agents nor acting as adjusters for any insurance company.

Sec. 4. Where a contract or policy of fire insurance contains what is known as the "iron safe clause," the statements therein shall be deemed and held representations and not warranties, and a substantial compliance therewith will be sufficient;

Provided, that if any inventory, books, memoranda or other data taken or kept, and produced by the assured, shall show with reasonable certainty the amount of the loss, it shall be considered a compliance with the contract, without regard to whether or not the memoranda or data are kept in books, and without regard to the manner, style or system in which the books are kept, and without regard to the time the inventories are taken, and any provision to the contrary in any contract or policy of insurance, or any contract or agreement with reference to such subject made subsequent thereto, shall be void.

Sec. 5. That in all suits brought upon insurance policies or contracts, no defense based upon a forfeiture of such contract shall be valid, where it appears on the trial of said cause that with knowledge of the facts upon which the forfeiture is claimed, the insurance company, either before or after any loss thereunder, did or omitted to do any act or thing or by any agreement, declaration or course of conduct recognized the continuing existence of the contract, and the insured, beneficiary or assignee, as the case may be, was thereby put to any trouble or expense, the said insurance company will be estopped to insist upon said forfeiture, and any contract or agreement on the part of the insured, beneficiary or assignee, as the case may be, not to insist on such grounds of estoppel shall be void.

Sec. 6. Where any insured beneficiary or assignee, as the case may be, in a life or limited payment life, or endowment policy or contract, ceases to pay the premiums thereon, and under the terms of such contract, he is, by reason of the premium or premiums already paid, entitled to extended or paid up insurance, or any dividend, distribution, annuity, an amount in cash, or to any other settlement, he shall have the option to choose either settlement to which he is entitled under the contract, but if no other settlement is demanded under

the contract, the policy or contract shall not be or become void by reason of the non-payment of the premiums thereof, but there shall exist extended insurance for the full amount of the policy for such term as may be provided in the policy or contract, which extension shall be automatic, and no act or thing shall be required of the insured beneficiary or assignee as a condition precedent to such extension;

Provided, that where any such contract or policy contains no provisions for extended insurance, but does provide among others, for paid up insurance, then on the contingency above named, the insured beneficiary or assignee, as the case may be, shall be entitled to the amount of paid up insurance mentioned in the contract, and no act or thing shall be required of said insured beneficiary or assignee as a condition precedent to assert and enforce such right; and,

Provided further, that a misstatement by the insured of his or her age or occupation shall not forfeit the insurance, unless the actual age or occupation of such insured be prohibited, but in case of such misstatement, where such age or occupation is not prohibited, the beneficiary thereunder shall receive only the amount which bears the same ratio to the sum that would otherwise be paid as the premium or rate based on the stated age or occupation of the insured at the time the insurance is contracted, bears to the premium or rate based on the actual age or occupation of such insured; and,

Provided further, that any stipulation in any contract or policy of insurance inconsistent with the provisions of this act shall be void.

Sec. 7. All laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Sec. 8. The crowded condition of the calendar, the near approach of the close of the session, and the inadequacy of the laws of this State to properly protect policy holders in contracts of insurance, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is so done.

(Minority Report.)

Committee Room,

Austin, Texas, March 10, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: A minority of your Judiciary Committee No. 1, to whom was referred Senate bill No. 59, a bill to be entitled "An Act to amend Title LIX, Revised Civil Statutes of Texas, relating

to insurance, by amending Chapter 3, Article 3089, making insurance companies insuring real property liable for the full amount of the policy, in case of total loss, and in case of damage, for the full amount thereof; and by adding Article 3089, providing * * * etc."

Have had the same under consideration and we report it back to the Senate with the recommendation that it do not pass, and that the committee substitute do not pass.

HICKS.
SKINNER,
GRIGGS,
DECKER.

Committee Room,
Austin, Texas, March 10, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 185, a bill to be entitled "An Act to amend Articles 3498f, 3498g and 3498i, and to repeal Article 3498m, Revised Civil Statutes of Texas, relating to the sale of mineral land."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,
Austin, Texas, March 10, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 85, a bill to be entitled "An Act to amend Article 5087, Chapter 2, Title CIV, of the Revised Civil Statutes of 1895."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,
Austin, Texas, March 10, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 176, a bill to be entitled "An Act to prevent by means of injunction, at the suit of the State, or any citizen thereof, the habitual use, actual, contemplated or threatened, of any premises, place, building, or part thereof for the purpose of gaming or keeping or exhibiting games prohibited by laws of this State."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

INTERNAL IMPROVEMENTS.

Committee Room,
Austin, Texas, March 10, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred Senate bill No. 204, a bill to be entitled "An Act to provide for a flouring mill inspector, to provide for his duties, powers and qualifications, and to provide a salary for his services."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

M'KAMY, Chairman.

EDUCATIONAL AFFAIRS.

Committee Room,
Austin, Texas, March 9, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 262, a bill to be entitled "An Act to amend Chapter 132 of the Acts of the Twenty-seventh Legislature, providing for the establishment of a girls' industrial school in this State."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

GRINNAN, Chairman.

CITY AND TOWN CORPORATIONS.

Committee Room,
Austin, Texas, March 9, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

Senate bill No. 219, a bill to be entitled "An Act to amend Article 548, Chapter 9, Title XVIII of the Revised Civil Statutes of Texas, in relation to condemnation of lands for city and town purposes."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BEATY, Chairman.

Committee Room,
Austin, Texas, March 9, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

Senate bill No. 127, a bill to be entitled "An Act to amend Article 617b, of Title XVIII, Chapter 12, of the Revised Civil Statutes of Texas of 1895,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

BEATY, Chairman.

Committee Room,

Austin, Texas, March 9, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

Senate bill No. 270, a bill to be entitled "An Act restricting the number of wards of cities which are incorporated under the General Laws of the State,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BEATY, Chairman.

Committee Room,

Austin, Texas, March 9, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

House bill No. 473, a bill to be entitled "An Act to amend the charter of the city of Sherman, entitled 'An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' passed by the Twenty-fourth Legislature as amended by amending Section 97 thereof, in regard to the levying and collecting of taxes, and to repeal all laws or parts of laws in conflict therewith, and to declare an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

BEATY, Chairman.

Committee Room,

Austin, Texas, March 10, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 210, a bill to be entitled "An Act to amend 'An Act to amend An Act, to amend Article 3938, Chapter 10, Title LXXXVI, of the Revised Civil Statutes of the State of Texas of 1895, relating to school districts,' approved June 6, 1899,"

Have had the same under considera-

tion, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

GRINNAN, Chairman.

STATE AFFAIRS.

Committee Room,

Austin, Texas, March 10, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 271, a bill to be entitled "An Act declaring who are public warehouse men of rice, and to regulate warehouses for the storage, milling or sale of rice, and to provide for the weighing, inspection, classification, handling and the sale of rice therein; and to provide for the appointment and the qualification of weighers and inspectors of rice; and for warehouse receipts therefor; and to provide for the fees to be charged for the weighing and inspection of rice; and to provide penalties for the violation thereof,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

TERRELL,

Acting Chairman.

Committee Room,

Austin, Texas, March 10, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate Concurrent Resolution No. 8, a resolution to be entitled "An Act, whereas, under the construction given the Wilson act by a majority of the Supreme Court of the United States, intoxicating liquors may be shipped as interstate commerce from one State into another, exempt from police powers of the State, until the same arrives at its destination and is delivered to the consignee; and

Whereas, in many counties and districts in this State, the citizens are in favor of and have adopted local option laws, prohibiting the sale of intoxicating liquors within the limits of counties or districts where the law has been adopted; and

Whereas, non-residents who contribute nothing to the expenses of policing made necessary by the liquor traffic or by their agents invading local option territory, in disregard of public sentiment, and in impudent defiance of good morals and the will of the people, and are soliciting and taking orders for in-

toxicating liquors to be shipped under such terms as to be protected as interstate commerce under the decisions of the Supreme Court as above mentioned."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that the bill be not printed.

TERRELL,
Acting Chairman.

Committee Room,
Austin, Texas, March 10, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 263, a bill to be entitled "An Act to prevent and prohibit monopolies and discriminations between different sections, communities or localities, unfair competition and extortionate charges on common commodities and products of public utility companies, and providing penalties therefor,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

TERRELL, Acting Chairman.

ROADS, BRIDGES AND FERRIES.

Committee Room,
Austin, Texas, March 10, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 196, a bill to be entitled "An Act to create a more efficient road system for Caldwell county, Texas, etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it do not be printed.

MARTIN, Chairman.

Committee Room,
Austin, Texas, March 10, 1905.
Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 173, a bill to be entitled "An Act to amend the Act of the Twenty-eighth Legislature of Texas (laws of special session, Chapter 1), entitled 'An Act to render more effective and efficient the present road law in the State of Texas in its application

and operation in the counties of Guadalupe, Caldwell, Bee, Jackson, Grimes, Comal, Colorado, Hays, Gillespie, Wood, Jefferson and Maverick; and to authorize and empower the said counties to issue bonds for the construction or purchasing of bridges and construction and maintenance of public roads and highways within the said counties, and regulating the compensation of certain officers," by omitting the county of Caldwell from said act,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

MARTIN, Chairman.

ENGROSSING DEPARTMENT.

Committee Room,
Austin, Texas, March 9, 1905.
Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Substitute bill No. 101, being "An Act to amend Subdivision 53, of Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, as amended by the Acts of the Legislature of 1901, Chapter 58, page 126, approved April 10, 1901, being 'An Act to fix the time for holding court in the Fifty-fourth District Court of Texas,' and to provide for the election of judges and district attorneys in said districts,

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,
Austin, Texas, March 9, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 52, being "An Act relating to the subject of 'barratry' amending Article 290 of the Penal Code of the State of Texas, amended by the Twenty-seventh Legislature, under an Act entitled 'An Act to amend Article 290 of the Penal Code of the State of Texas, to further define "barratry" so as to include the fomenting of litigation by attorneys-at-law by soliciting employment or advancing money or other things of value to the parties to litigation in order to procure employment' by adding Article 290a, making it a misdemeanor, and prescribing the punishment therefor for any person to solicit for himself or another

employment in connection with the institution or prosecution of any claim, suit or cause of action, and amending Chapter 7, Title XXX, of the Revised Civil Statutes of Texas by adding thereto Article 1261a, providing that when any suit-at-law or equity is instituted in any court of this State wherein it is made to appear that any provision of Article 290 of the Penal Code of Texas, as amended, defining and punishing barratry, has been violated, such suit shall abate on proper plea and proof and the attorney or attorneys, or other person guilty of violating said law shall be disabled from having any interest in the cause of action or further participating in any new suit that may be instituted; providing, that the owner, innocent of such violation, shall not be prejudiced by the running of limitation pending the suit; and amending Title II, Article 263, Revised Civil Statutes of Texas, so that any attorney-at-law guilty of barratry may be suspended or his license revoked."

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, March 10, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 142, being "An Act to authorize the Gulf, Colorado and Santa Fe Railway Company to purchase the railroads and all other property of the Jasper and Eastern Railway Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway Company as a part of its own line, with the right to extend the said road, and to construct branches therefrom by amendment of its charter under the general laws of the State of Texas; and to authorize the corporation or corporations, person or persons now or hereafter owning the said property, to sell the same to the Gulf, Colorado and Santa Fe Railway Company, and until such purchase is made to authorize the lease by the Gulf, Colorado and Santa Fe Railway Company of the railroad and other properties of said other company."

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, March 10, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared

Senate Bill No. 150, being "An Act to amend Section 7, Chapter 42, of the Acts of the Twenty-eighth Legislature, entitled 'An Act to provide for and regulate the granting of license to practice as attorney and counselor at law in all the courts of the State of Texas,' and to repeal all laws and parts of laws in conflict therewith, approved March 19, 1903,"

And find the same correctly engrossed.

BARRETT, Chairman.

ENROLLING DEPARTMENT.

Committee Room,

Austin, Texas, March 10, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 91, being "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Twenty-fifth Legislature, Chapter 43, Acts of the Twenty-sixth Legislature, Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129, Acts of the Twenty-eighth Legislature, by adding thereto Subdivision 62, authorizing the formation of corporations for the growing, preparing for market and selling of rice, and Subdivision 63, authorizing the formation of corporations for the purpose of growing and selling sugar cane, and making and refining sugar, molasses and all by-products of sugar cane, and declaring an emergency."

And have this day, at 2:55 o'clock p. m., presented the same to the Governor for his approval.

TERRELL, Chairman.

FORTIETH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, March 14, 1905.

Senate met pursuant to adjournment, Lieutenant Governor George D. Neal presiding.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Faust.
Brachfield.	Glasscock.
Chambers.	Griggs.
Davidson.	Grinnan.
Faulk.	Hanger.